



ZONING BOARD OF ADJUSTMENT & APPEALS

AGENDA REQUEST

AGENDA OF:	09/15/10	AGENDA REQUEST NO:	III-A
INITIATED BY:	RUTH LOHMER, AICP, SENIOR PLANNER <i>RL</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	RUTH LOHMER, AICP, SENIOR PLANNER	ASSISTANT PLANNING DIRECTOR:	N/A
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	SPECIAL EXCEPTION TO THE STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT REAR YARD SETBACK REQUIREMENT – 3110 HICKORY RUN IN COLONY PARK PUBLIC HEARING, CONSIDERATION AND ACTION		
EXHIBITS:	STAFF REPORT, VICINITY MAP, SITE PLAN, AERIAL, SITE PHOTOS, ELEVATIONS, PLAT EXCERPT, APPLICATION, PUBLIC HEARING NOTICE		
CLEARANCES		APPROVAL	
LEGAL:	N/A	INTERIM PLANNING DIRECTOR:	DOUGLAS SCHOMBURG, AICP <i>D.S.</i>
RECOMMENDED ACTION			
Approval of the requested Special Exception to allow the proposed addition in accordance with the attached site plan and elevations.			
EXECUTIVE SUMMARY			
<p>This is a request for a Special Exception from the required 15' rear yard setback in the Standard Single-Family Residential (R-1) District for property located at 3110 Hickory Run Dr. The property was platted in 1983 in the <i>Colony Park</i> subdivision. When the property was annexed into the City of Sugar Land in 1991, R-1 zoning was applied to the subdivision, which requires a 15-foot rear yard setback for primary structures. The recorded covenants and restrictions indicate that where a garage is attached to a single family residence, the "living area shall not be nearer than fifteen (15) feet to the rear property line and the rear wall of such attached garage shall not encroach upon any easement located on the lot." The plat recorded an 8-foot utility easement at the rear of the lot.</p> <p>Per Chapter 2, Article II, Section 2-194 (d) of Sugar Land's Development Code, accessory structures, such as garages, may be located up to 5 feet from the side and rear property lines, as long as a minimum 10-foot separation is maintained between the primary and accessory buildings. If the 10-foot separation is not met, then the accessory structure (garage in this case) must meet the rear yard setback for the primary structure. The existing garage is located 8 feet 4 inches from the rear property line, thus not meeting the rear yard setback.</p>			

The applicant has proposed to construct a patio cover attached to the rear of the house that would not meet the 10-foot separation from the detached accessory structure (the garage), essentially converting the two structures into one primary structure which would not meet the rear yard setback. Since the garage extends into the primary structure rear setback, the connection of the two buildings would make the home a non-conforming structure. Granting the Special Exception would relieve the 15-foot setback for the primary structure, for this specific construction, so that the patio cover could be constructed as proposed.

File No. 12510

CC: Harold Cody, haroldcody@yahoo.com

EXHIBITS

STAFF REPORT

Request for a special exception to the Standard Single-Family Residential (R-1) district rear yard setback requirement for 3110 Hickory Run Dr in the Colony Park subdivision.

Analysis of Special Exception- Four Development Code Criteria:

After the public hearing, the Board may, by concurrence of 75 percent of its members, grant a Special Exception to a residential setback required by Chapter 2 if the Board finds that:

Criterion One:

The latest recorded plat of the property was approved prior to being annexed into the City;

Plat recorded: 1983

Annexed: 1991

Criterion Two:

The latest recorded plat of the property establishes a setback or other recorded restriction that results in a setback that is less restrictive than the setback required by the City of Sugar Land Development Code (Chapter 2)

The recorded covenants and restrictions indicate that where a garage is attached to a single family residence, the “*living area shall not be nearer than fifteen (15) feet to the rear lot line, and the rear wall of the garage shall not encroach upon any easement*” (emphasis added). The plat recorded an 8-foot utility easement at the rear of the lot. The patio cover would meet the recorded restriction because the living area is not closer than fifteen feet from the rear property line and the garage does not encroach into the 8-foot utility easement. Chapter 2 (Zoning) requires a setback of 15 feet for the garage when it is less than 10 feet from the house. The recorded restrictions for the property are less restrictive than the City of Sugar Land zoning requirements.

Criterion Three:

Granting the Special Exception will not establish a setback that is less restrictive than the setback established by the latest approved plat or other recorded restriction

The Covenants and Restrictions establish a 15-foot setback for the living area of the home and an 8-foot setback (the utility easement) for the garage. The Special Exception would permit the primary structure (house and garage) to be located less than 15 feet from the rear property line, with the garage maintaining its location outside of the utility easement. The Special Exception would not grant a setback that is less restrictive than that established in the recorded restrictions.

Criterion Four:

Granting the Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.

Staff has examined the proposed Special Exception for key aspects:

- **Public Safety Review:** There do not appear to be any public safety issues associated with this request. Staff has not identified any safety concerns as a result of the proposed addition.
- **Proposal and the Neighborhood:** The proposed addition appears to be generally compatible with the neighborhood based on an analysis of the proposed use of the site and an examination of the surrounding area. Most of the nearby homes appear to meet the required rear yard setback. However, the proposed addition would not extend further into the required setbacks and appears to be architecturally compatible with the neighborhood.

Conditions:

To ensure that the granting of a special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located, the Board may, as part of its decision to grant a Special Exception:

1. *Impose reasonable conditions or restrictions; and*
2. *Grant a setback between the setback requested and the setback currently established in the residential zoning district.*

Public Hearing Notice

The Notice of Public Hearing was published in a newspaper of general circulation and on the City of Sugar Land's Internet Home Page. All property owners within 200 feet of the site were notified and a courtesy sign was placed on site. Staff has three informational inquiries regarding the special exception. At present, staff is not aware of any opposition to the proposed special exception.

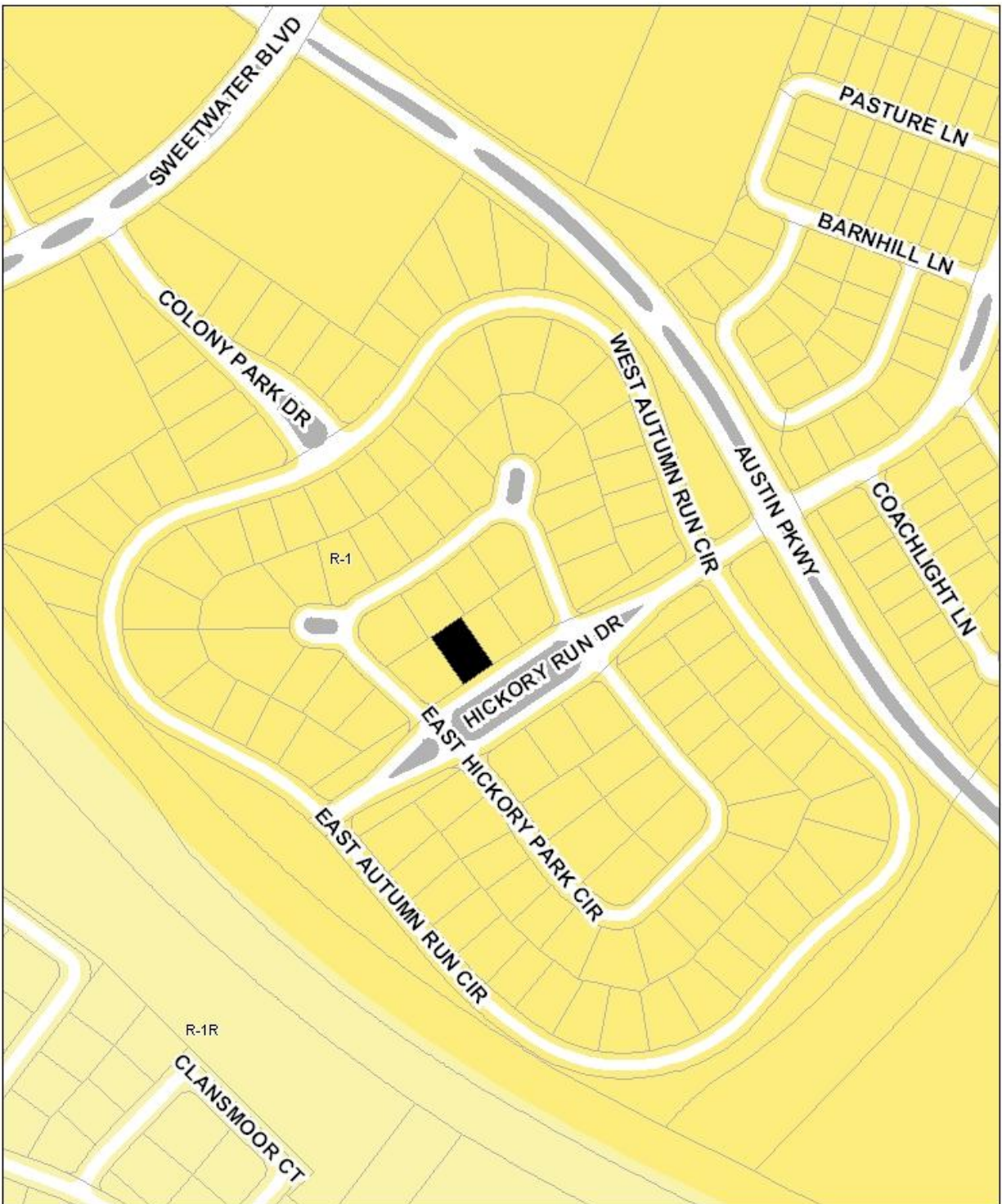
Staff Recommendation

Staff recommends that the Special Exception be approved subject to the following conditions:

- Addition will be constructed in accordance with the attached site plan
- Addition will be constructed in accordance with the attached elevations

VICINITY MAP

3110 HICKORY RUN DR

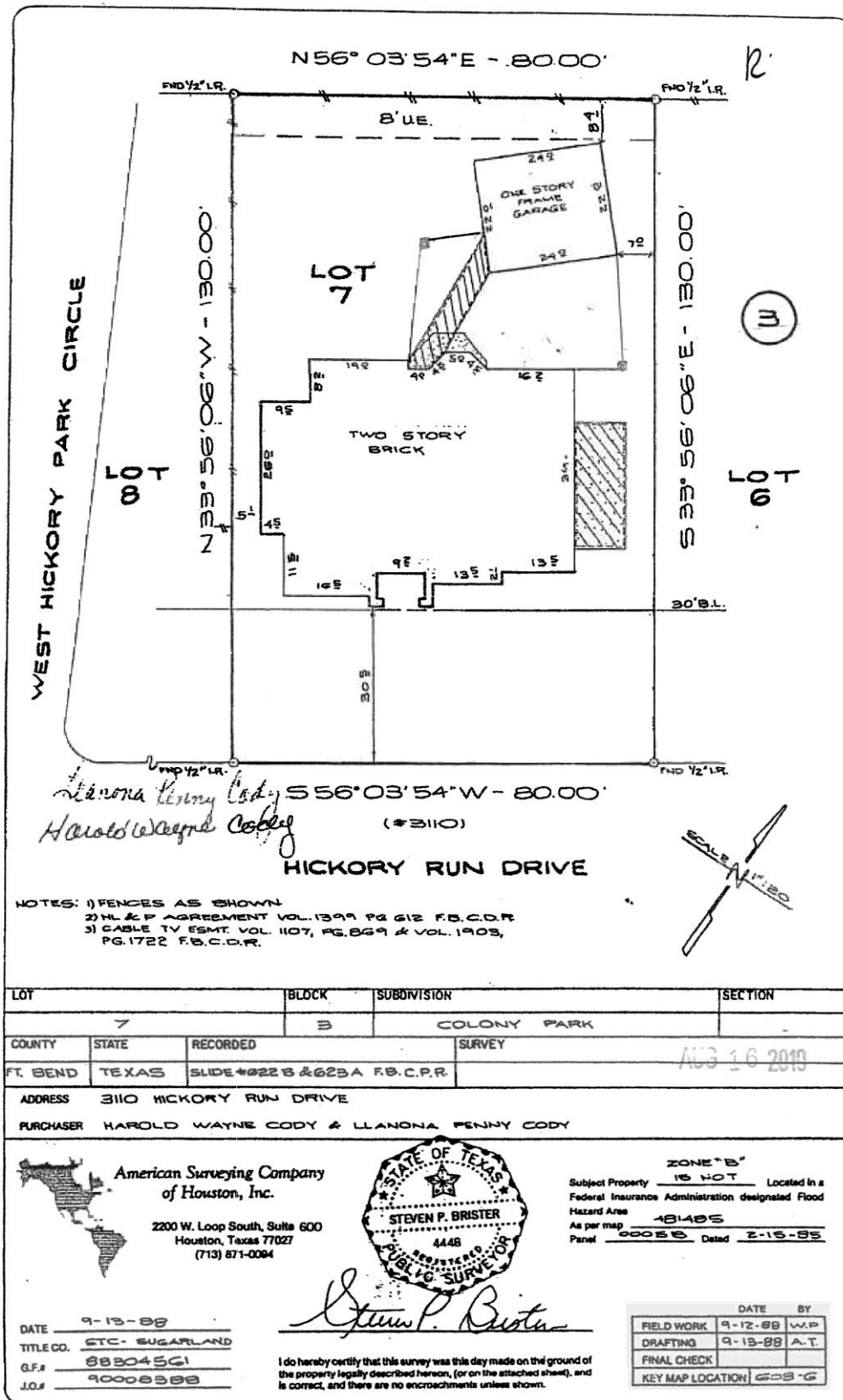


200

Feet

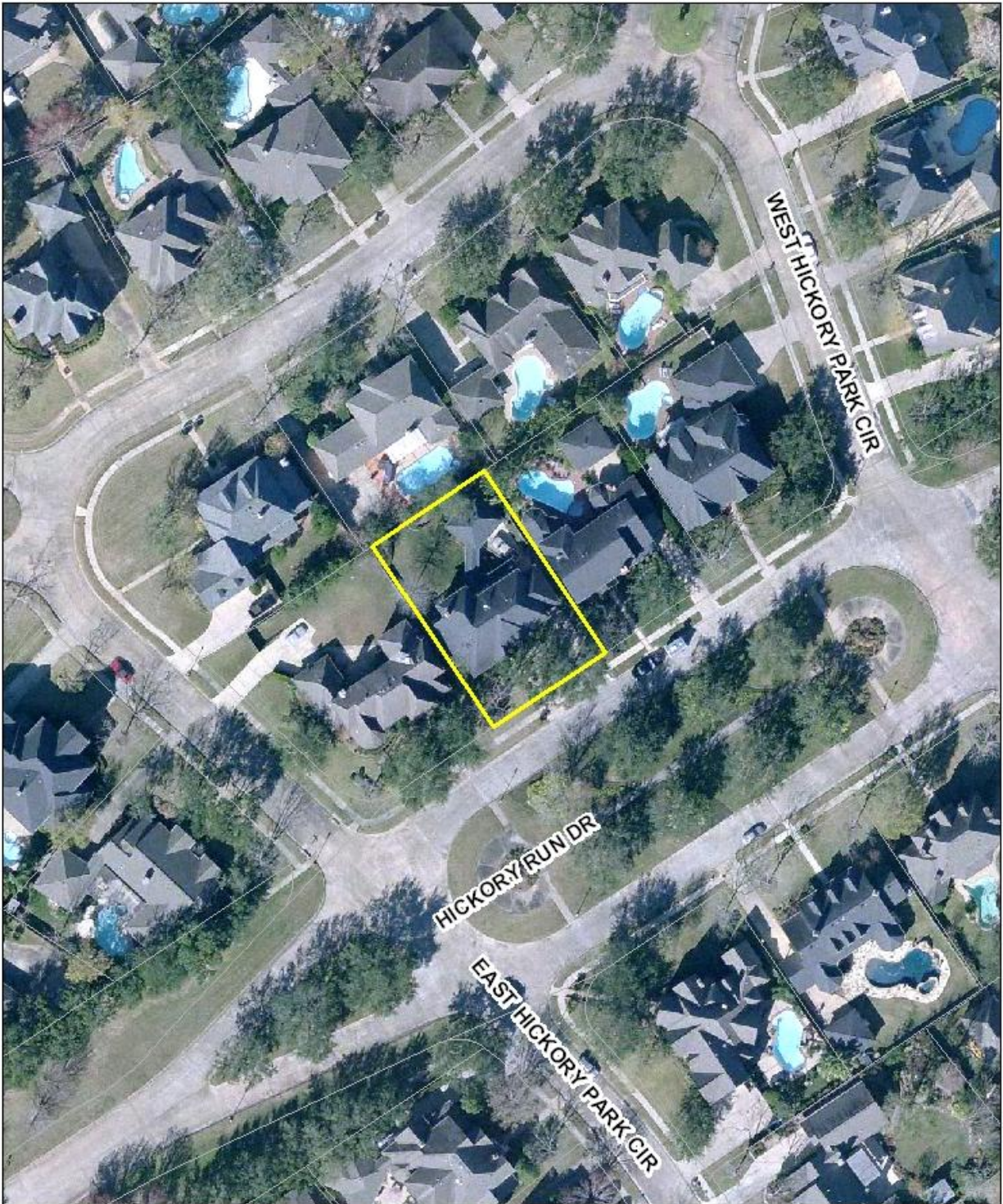


SITE PLAN



AERIAL

3110 HICKORY RUN DR



25
□ Feet



SITE PHOTOS

Front of House:



View of Area of Addition from Carport:



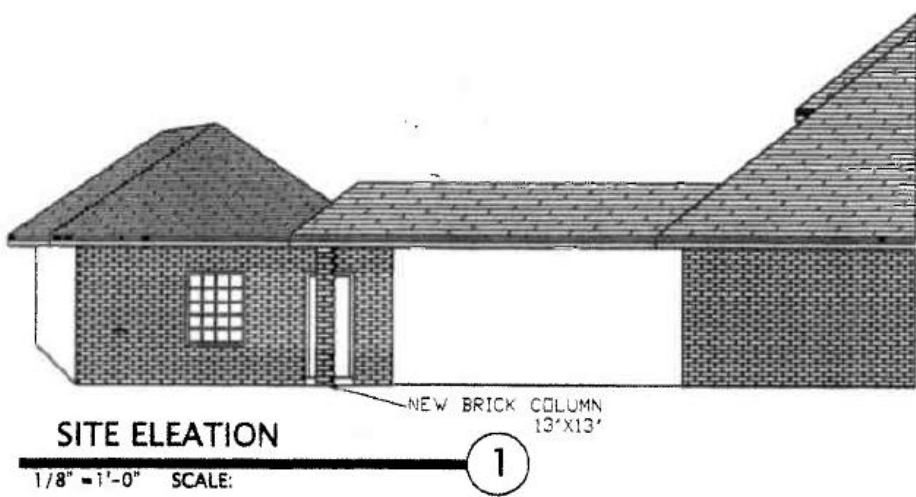
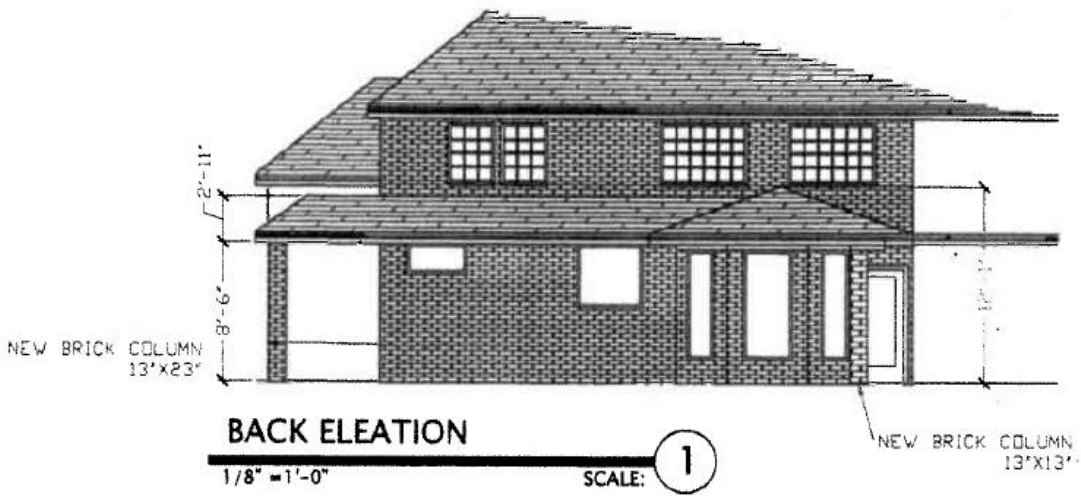
View of Area of Addition from Right:



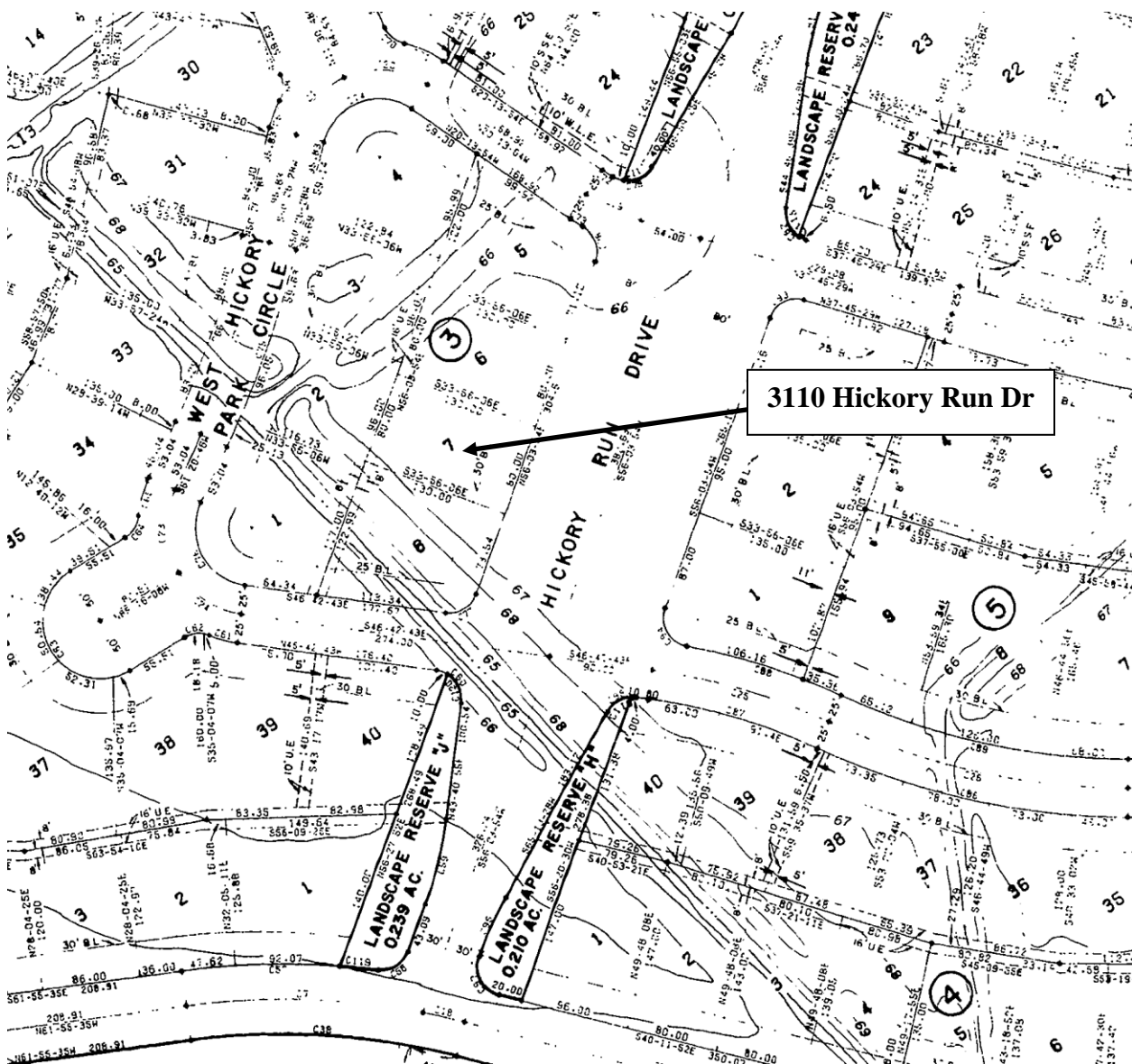
View of Area of Addition from Left:



ELEVATIONS



PLAT EXCERPT



ADDRESS: 3110 HICKORY RUN DR

**PROPERTY IS PLATTED AS:
LOT 7, BLOCK 3, COLONY PARK, FBCCF NO 623A, IN THE FORT BEND COUNTY PLAT
RECORDS
(RECORDED IN 1983)**

APPLICATION



AUG 16 2010

FOR OFFICE USE
Accounting Code: ZC
\$537.25

CITY OF SUGAR LAND PLANNING DEPARTMENT

SPECIAL EXCEPTION REQUEST APPLICATION ZONING BOARD OF ADJUSTMENT

Please fill out the following information & return your submittal to the Planning Department

APPLICANT: Harold W. Cody
Address: 3110 Hickory Run Drive, Sugar Land, TX 77479
Company: N/A
Phone: 281-794-0284 Fax: 832-242-9721
Email: haroldcody@yahoo.com

OWNER / AGENT: Same
Contact / Company: Same
Address: _____
Phone: _____ Fax: _____
Email: _____

Please provide the following additional information as required under the Development Code (Chapter 2, Article I, Part 6):
Address and legal description of the property: 3110 Hickory Run Drive, Sugar Land, TX 77479
Lot 7, Block 3, Colony Park Subdivision

Date the property was annexed into the City: 1991

This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application. (Must be signed by property owner)

X Harold W. Cody Date: 12 August 2010
Signature of Applicant

SUBMITTAL REQUIREMENTS:

- TWO (2) copies of Application
- Submittal Fee: \$537.25 per Ord. 1701 (non-refundable)
- Two (2) copies of site plan / plot plan (scaled/dimensioned drawing showing location of proposed building) at 11"x17" (8 1/2" x 11" is acceptable if drawing is legible)
- Copy of the recorded plat of the property
- Copy of the recorded covenants and restrictions for the property

NOTICE OF PUBLIC HEARING

**SPECIAL EXCEPTION
3110 HICKORY RUN DR**

NOTICE OF PUBLIC HEARING ON A REQUEST FOR SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENT, 3110 HICKORY RUN DR, COLONY PARK, BLOCK 3, LOT 7 IN THE STANDARD SINGLE-FAMILY (R-1) RESIDENTIAL DISTRICT

PURPOSE: ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED SPECIAL EXCEPTION REQUEST SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.

**WHERE: SUGAR LAND CITY COUNCIL CHAMBER
2700 TOWN CENTER BOULEVARD NORTH**

**WHEN: ZONING BOARD OF ADJUSTMENT
5:00 P.M., SEPTEMBER 15, 2010**

DETAILS OF THE PROPOSED SPECIAL EXCEPTION MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE, TELEPHONE (281) 275-2218 OR EMAIL PLANNING@SUGARLANDTX.GOV. THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED IN CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.